

CONNECTICUT ASSOCIATION OF HEALTH CARE FACILITIES, INC.

S.B. No. 2 (COMM) AN ACT CONCERNING AIR CONDITIONING IN NURSING HOMES.

The Connecticut Association of Health Care Facilities (CAHCF), our state's 115-member association of for-profit and not-for-profit nursing homes supports S.B. No. 2, AN ACT CONCERNING AIR CONDITIONING IN NURSING HOMES. Nursing home residents and their families should have the benefit of a statewide policy on acceptable temperatures in nursing homes. There should be a common expectation for all nursing homes across the state in this regard.

Several months ago the Connecticut Department of Public Health reported the results of a survey concerning the incidence of air conditioning in Connecticut nursing homes. In summary, the DPH found that all Connecticut nursing homes have some measure of central air conditioning and that many nursing homes have central air conditioning either throughout the home, or at least in common areas such as dining areas and hallways, and that the majority of nursing homes have air conditioning in patient rooms.

The DPH findings affirm that Connecticut nursing homes have achieved a very high level of success at keeping their residents comfortable and safe during hot weather spells. The high incidence of air conditioning in Connecticut nursing homes, in combination with a host of daily best practices, hydration monitoring, and patient-centered care techniques explain the high success. Connecticut nursing homes deserve very high marks for the high level of commitment to the comfort and care of their residents reflected in the DPH survey, even though there is no specific air conditioning or temperature requirement under current statutory or regulatory rules.

However, full compliance with this new mandate will be a significant challenge for many nursing homes. Nursing homes remain in a period of financial distress. There has been no increase to nursing home Medicaid rates since 2007. Significantly, the rate-setting rules that allow reimbursement for capital improvements when nursing homes upgrade and improve their facilities remain frozen.

For these reasons, the proposed legislation should include a range of additional provisions to assure full compliance with the new requirements and to fairly provide reimbursement to facilities when increased costs are experienced. Specifically, the bill should include provisions for (1) Medicaid reimbursement for the cost associated with necessary upgrades to air conditioning, (2) tax credits and rebates, (3) a loan provision modeled after the successful nursing home sprinkler system requirements and (4) a June 30, 2013 effective date. In this regard, I have attached additional recommended statutory language for the bill and urge its adoption.

**For more information, contact: Matthew V. Barrett, CAHCF
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PROPOSED SUBSTITUTE LANGUAGE FOR S.B. No. 2, AN ACT
CONCERNING AIR CONDITIONING IN NURSING HOMES

Sec. 1 (NEW) (Effective immediately) (a) Not later than June 30, 2013, each chronic and convalescent nursing home or rest home with nursing supervision licensed pursuant to chapter 368v shall maintain temperatures between seventy-one (71) and eighty-one (81) degrees Fahrenheit in all common and resident areas within such nursing or rest home, including resident rooms.

(b) Notwithstanding any other provision of the general statutes, all costs related to the planning, design, purchase, installation or upgrading of any air conditioning, heating, ventilation or related equipment required to maintain temperatures as provided under section 1(a) of this act shall be reimbursed to any Medicaid-participating nursing or rest home by the Department of Social Services. Costs related to the planning and design of such equipment shall be reimbursed directly to each facility by the Medicaid program within 30 days of submission of invoices for this work. Remaining costs shall be calculated as part of the facility's Medicaid rate by amortizing the base value of said costs over a period of three years, effective upon completion of the project.

(c) Any tax credits or rebates resulting from the installation of energy efficient or clean energy equipment received by a nursing or rest home shall not be deducted from any allowable reimbursement provided for in this section.

Sec. 2 (NEW) (Effective immediately) (a) The Connecticut Health and Educational Facilities Authority shall develop a loan program for the purpose of providing financial assistance to owners of chronic and convalescent nursing homes and rest homes with nursing supervision licensed pursuant to chapter 368v for costs incurred in the planning, design, purchase, installation or upgrading of air conditioning equipment required under section 1 of this Act.

(b) There is established, within the Connecticut Health and Educational Facilities Authority, a revolving loan account for the purpose of the loan program authorized by this section. The revolving loan account shall contain any moneys provided or required

by law to be deposited in the account. The authority may accept contributions from any source, public or private, for deposit in the account for purposes of the loan program.

(c) Loans made pursuant to this section shall have such terms and conditions, and shall be subject to such eligibility, loan approval, credit and other underwriting requirements and criteria as are determined by the authority to be reasonable in light of the objectives of the loan program.

(d) On or before October 1, 2012, and annually thereafter so long as the loan program remains active, the authority shall submit to the joint standing committees of the General Assembly having cognizance of matters relating to public health, public safety and security and housing a report, in accordance with section 11-04a of the general statutes, setting forth the following information: (1) A list of the loans made under the program and a general description of the terms and conditions of such loans and the repayment history; (2) an assessment of the impact of such loans on compliance with the requirements of section 1 of this act; (3) the need for additional funding for the loan program authorized by this section; and (4) such other information as the authority deems relevant to evaluating the success of the loan program in meeting its objectives.

(e) In connection with the making and administration of loans pursuant to this section, the authority shall have and may exercise such powers as are necessary or appropriate to carry out the purposes of this section, including the same powers expressly granted to the authority in section 10a-180 of the general statutes with respect to other loans.

(f) No loan may be made pursuant to this section after June 30, 2012 and any moneys then remaining in, or thereafter received to the credit of, the account established in subsection (b) of this section may be withdrawn by the authority from such account and used for other purposes of the authority, subject to specific restrictions governing any contribution to such account pursuant to subsection (b) of this section.

(g) The authority shall adopt written procedures, in accordance with section 1-121 of the general statutes, to carry out the provisions of this section.